

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 275

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO PROVIDE FOR SPECIFIED TRANSFERS OF NET INCOME FROM THE LOTTERY, TO REQUIRE THE LOTTERY TO ENSURE SPECIFIED CONDITIONS, TO PROVIDE FOR A CONTINGENCY, TO PROVIDE FOR ADJUSTMENTS TO CERTAIN TRANSFERS AND TO PROVIDE A SUNSET DATE; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR THE CONSIDERATION OF CERTAIN LOTTERY MONEYS DISTRIBUTED IN CALCULATING AMOUNTS TO BE DISTRIBUTED BY THE TAX COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-7434, Idaho Code, be, and the same is hereby amended to read as follows:

67-7434. LOTTERY DIVIDENDS. (1) Annually, on July 1, the lottery shall transfer one-half (1/2) of its net income to the permanent building account and one-half (1/2) of its net income to the school district building account, after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

~~A one (1) time allotment of two hundred thousand dollars (\$200,000) of the lottery's first year dividends shall be allocated and used by the permanent building fund advisory council for the construction of a Vietnam veterans memorial in the state.~~

(2) Beginning on July 1, 2009, the distribution of net income provided for in subsection (1) of this section, shall be superseded by the provisions of this subsection (2).

(a) Annually, on July 1, the lottery shall transfer three-eighths (3/8) of its net income to the permanent building account; three-eighths (3/8) of its net income to the school district building account; and one-fourth (1/4) of its net income to the bond levy equalization fund after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

(b) The lottery shall ensure that the distributions made to the permanent building account and the school district building account, pursuant to the provisions of paragraph (a) of this subsection, shall not be less than the amount those accounts received for fiscal year 2008, provided funds are available at the fiscal year 2008 level. Provided however, in the event the level of available funds is less than the fiscal year 2008 level, one-half (1/2) of the available funds shall be transferred to the permanent building account and one-half (1/2) of the available funds shall be transferred to the school district building account.

(c) In the event the lottery determines that an adjustment to an annual transfer as provided in paragraph (a) of this subsection must be made pursuant to the provisions of paragraph (b) of this subsection, the difference shall be deducted from the one-fourth

(1/4) net income transfer that was to be made to the bond levy equalization fund, and the bond levy equalization fund shall receive the remainder, if any.

(d) The provisions of this subsection (2) shall be null, void and of no force and effect on and after September 30, 2014.

SECTION 2. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 17.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 0.4% of such balance shall be distributed to the central ~~tumor cancer~~ registry ~~account fund~~. The amount of money so distributed to the central ~~tumor cancer~~ registry ~~account fund~~ shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central ~~tumor cancer~~ registry ~~account fund~~ during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(2), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2005, and ending June 30, 2006, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code.